

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

Lennisha Reed *et al.*,

Plaintiffs,

v.

Wexford Health Sources, Inc., *et al.*,

Defendants.

Case No. 3:20-cv-01139-SPM

Judge Stephen P. McGlynn

PLAINTIFFS' MOTION FOR TO AMEND COMPLAINT

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Plaintiffs Lennisha Reed and Lenn Reed, Jr., through their undersigned counsel, hereby move the Court for leave to file a first amended complaint. In compliance with Rule 15(a)(2) plaintiff's counsel sought written consent from the defendants to the amendment. Counsel for Dr. Ahmed has consented in writing. Counsel for the Wexford defendants responded:

You will need to file something with the court informing them that you are filing the amended complaint with our consent. We are providing that consent if you also note that our clients do not agree that the proposed amendment cures all the errors in the Complaint that the amendment should cure. The Court should be able to parse this out.

Plaintiff's proposed amendment changes the allegations of Paragraph 31 of the complaint as follows:

Mr. Reed's condition, however, deteriorated from there. Because of his tumors he became "acutely paraplegic," unable to feel below his abdomen, and it became too late to save him. ~~But Dr. Shah and Dr. Ahmed did not arrange for Mr. Reed to receive acute, outside medical care that would improve his condition, and they did not arrange for him to see Dr. Saba for more than a month, o~~On December 19. ~~On that day,~~ Dr. Saba assessed Mr. Reed's condition as "terminal," and gave Mr. Reed the option of palliative care or chemotherapy. Mr. Reed chose to continue fighting the disease and requested chemotherapy.

The proposed amended complaint makes no other substantive changes. Plaintiffs propose to make this change out of an abundance of caution and in order to resolve a potential error in Paragraph 31 identified by counsel for Wexford. Wexford has suggested that the Court to stay discovery in this case until Plaintiffs corrected errors Wexford purports to identify in Paragraphs 28 and 31 of the complaint. *See* ECF 47 at 4. Plaintiff respectfully disagrees with Wexford that the allegations of paragraph 28 are inaccurate and as such Plaintiffs do not propose to amend the allegations in that paragraph.

Plaintiffs respectfully submit that the foregoing constitute good cause for leave to amend the complaint, under Rule 15(a)(2).

WHEREFORE, pursuant to Rule 15(a)(2), Plaintiffs respectfully request leave from the Court to file a First Amended Complaint. Pursuant to Local Rule 15.1 a copy of the proposed First Amended Complaint will be sent via email to: SPMpd@ilsd.uscourts.gov

Dated: March 24, 2022

Respectfully submitted,

/s/ Stephen H. Weil
Stephen H. Weil
Counsel for Plaintiffs

Jon Loevy
Sarah Grady
Steve Weil
LOEVY & LOEVY
311 North Aberdeen St., 3rd Fl.
Chicago, IL 60607
(312) 243-5900
weil@loevy.com